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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO. 17 OF 2007

IN

WRIT PETITION NO. 2474 OF 2005

Ramchandra N. Ambre ... Petitioner

Versus

Parle Tilak Vidyalaya Association
and Ors. ... Respondents

Mr. M.P. Vashi i/by M.P. Vashi and Associates for
the Petitioner.

Mr. A.A. Joshi for Respondents.

**CORAM: F.I. REBELLO &
 ANOO V. MOHTA, JJ.**

DATED: OCTOBER 29, 2007

P.C.

. By order dated 17.11.2006, after hearing Mr. Dhananjay Halal, the Petition was disposed of by a speaking order. A review has now been preferred before us. It is contended orally at the Bar that it was the case of the Petitioner that he was sent on deputation and it was not a case of transfer. Such a point was not canvassed when the Petition was heard. Nor has counsel produced any document evidencing that the Petitioner was sent on deputation. The counsel who appears for the review applicant was asked to show anything from the review Petition, where it is stated that though the point

was urged, this court did not hear and consider the same. The learned counsel after going through the review petition is unable to show any such averment. In a strange argument, he contends that though he has not raised the point, the respondent should have filed reply denying the same. A respondent can only deal with a fact pleaded. There is no question of denying something which is not pleaded.

. In this case, after hearing and considering the contentions as urged, we had dismissed the Petition. From the order nothing is brought to our attention which will amount to an error apparent on the face of the record. Review dismissed.

. In our opinion, though the review petition is frivolous and imposing cost would have been justified, considering that the review applicant is a lower grade employee, we do not propose to impose costs. Review Petition dismissed accordingly.

(ANOOOP V. MOHTA, J.)

(F.I.REBELLO, J.)